



An
Bord
Pleanála

Inspector's Report ABP 311733-21.

Development	Construction of a new shed and retention for wellness/sauna and a flood light and pole.
Location	Ballyvarra, Lisnagry, Co. Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	21/1003
Applicant	Seamus Doyle
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	Liam & Monique Hassett
Observers	None
Date of Site Inspection	19 th of January 2022
Inspector	Siobhan Carroll

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Limerick County Development Plan 2010-2016 (As Extended).....	6
5.2. Natural Heritage Designations	7
5.3. EIA Screening	8
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant Response	11
6.3. Planning Authority Response	11
7.0 Assessment.....	11
7.1. Principle of the proposed development	12
7.2. Design, visual amenity and residential impact	13
7.3. Appropriate Assessment	15
8.0 Recommendation.....	18
9.0 Reasons and Considerations.....	18
10.0 Conditions	18

1.0 Site Location and Description

- 1.1. The appeal site is located at Ballyvarra, Lisnagry, Co. Limerick. The site is situated circa 8.5km to the east of Limerick City Centre and 2.5km to the south-east of Lisnagry. The M7 Motorway is located circa 2.8km to the west of the site and Annacotty Business Park lies circa 500m to the west.
- 1.2. The site is access off the regional road the R506 to the south and served by a narrow local road the L5010. The site has an area of circa 0.94 hectares it contains a two-storey dwelling with a domestic shed immediately to the south of the dwelling which adjoins the roadside boundary, the subject wellness/sauna room is situated 3m to the west of the dwelling. To the northern corner of the site there is an enclosed area which is bounded by a low wooden fence this is used for horse riding and the subject flood light and pole is situated to the south-western corner of this area.
- 1.3. There is a farm yard and associated buildings located across the road from the appeal site. There are number of dwellings located to the north and south of the site including the appellant's property which is situated to the north.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a new shed consisting of a horse walker and tractor storage with a floor area of 231.8sq m and retention for a single storey building containing a wellness/sauna room with a floor area of 20sq m and a flood light and pole.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 6 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report date 8/9/2021 – Further information requested regarding the following;

1. The layout as submitted under a previous application planning reference no. 18/856 and the structures as outlined do not correlate with the layout as submitted in this application. In particular one of the buildings labelled “store” differs from the layout previously submitted and the separation distances. Please address. A revised layout suitably scaled which outlines the exact use of the existing buildings shall be submitted. Any alterations shall be provided for in the response.
2. The design of the flood light shall be cowled to ensure light does not overspill to neighbouring properties or beyond the site boundaries. Revised drawings shall be submitted which includes measures to address this matter. The light shall be fixed with a cut off lantern.
3. A full planning statement and justification shall be provided for the proposed development, details regarding the number of horses shall be submitted with full details of usage.
4. Clarify the condition and capacity of the existing dungstead in relation to solids and liquids. An effluent management plan shall be submitted, including full details for the collection and storage of soiled water and capacity of tanks if required.
5. Please address Condition no. 4 in relation to application reference no. 18/856 regarding the submission, submit Closure and Restoration Plan for the Waste Permitted site reference WFP/L/2015/149/R1.

Report dated 5/10/2021 – Following the submission of a response to the further information request the report of the Planning Officer stated that a site layout plan has been submitted outlining the use of the buildings and the response states the layout as submitted is based on OSI mapping and is correct. A directional cover is proposed to each flood light. Three horses are housed on a small holding for personal/recreational use, there are no commercial elements. The wellness spa is for the use of the applicants themselves. The conditions and dimensions for the dungstead have been submitted. The horse walker, tractor storage and wellness/sauna room are for personal use and not commercial, a condition requiring this is recommended. It is recommended that a condition is attached that the flood light and pole shall be cowled and switched off by 10pm at night during the winter.

The permit for end of life vehicle recovery has been surrendered as per the report of the environment section. A grant of permission was recommended.

3.2.2. Other Technical Reports

Environment Section – A facility permit to store and dismantle end of life vehicles on this site has expired, there is no authorisation to store or recover waste.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

3.4.1. The Planning Authority received one submission/observation in relation to the application. The issues raised are similar to those set out in the appeal.

4.0 Planning History

4.1.1. There is an extensive planning history relating to the site which detail in full in the report of the Planning Office on file. The most recent relevant cases are as follows;

4.1.2. **PA Reg. Ref. 18/856** – permission was granted to convert existing buildings and yards previously used for de-polluting and dismantling of end of life vehicles back to storage sheds for agricultural machinery and agricultural use. Retention Permission granted for revised elevational changes to extension to rear of dwelling granted under planning application 05/3309.

4.1.3. **PA reg. Ref. 17/1187** – Permission was refused for a temporary 10 year consent for continued operation of the existing End of Life Vehicle (ELV) dismantling facility which includes an existing workshop, office, storage area and ancillary facility and services. Permission is also sought for the return of the site to agricultural use in future, post expiry of the consent and retention permission of the permitted shed (so as only to supersede the requirement to remove this under condition no 2 of Limerick City and County Council Ref 16/822 (An Bord Pleanala Ref. PL 91.247624). (The facility has an existing Waste Facility Permit Ref. WFP/L/2015/149/R1). Permission was refused for the following reason:

1. The development, if permitted would contravene materially a condition attached to an existing permission for development on site, Condition Number 2 of An Bord Pleanála decision (PL91.247624) and would thus be contrary to proper planning and sustainable development of the area.

- 4.1.4. **PA Reg. Ref. 16/822 & PL91.247624** – permission was granted for continual operation of end of life vehicle dismantling facility and permission for a 1.2m high fence, retention of oil interceptor and percolation area.

5.0 Policy Context

5.1. Limerick County Development Plan 2010-2016 (As Extended)

- 5.1.1. Chapter 5 refers to Economic Development
- 5.1.2. Section 5.6.1 refers to Agriculture
- 5.1.3. Objective ED 022: Agricultural developments

The Council will normally permit development proposals for agricultural development where:

(a) they are appropriate in nature and scale to the area in which they are located;

(b) the proposal is necessary for the efficient use of the agricultural holding or enterprise;

(c) where the proposal involves the erection of buildings, there are no suitable redundant buildings on the farm holding which would accommodate the development;

(d) the development is not visually intrusive in the local landscape and, where the proposal is for a new building(s) and there are no suitable redundant buildings, the proposal is sited adjacent to existing buildings and suitably visually integrated in the holding; and

(e) the proposal demonstrates that it has taken into account traffic, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this Plan.

- 5.1.4. Chapter 10 – Development Management Guidelines

- 5.1.5. Section 10.8 refers to Agricultural Development
- 5.1.6. Agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) while accepting the need to be functional, are required to be sympathetic to their surroundings - in scale, materials and finishes. Buildings should relate to the landscape and should avoid breaking the skyline.
- 5.1.7. Traditionally this was achieved by having the roof darker than the walls. Appropriate roof colours are dark grey, dark reddish brown or a very dark green. The grouping of agricultural buildings will be encouraged and use of existing landscaping in order to reduce their overall impact in the interests of visual amenity.
- 5.1.8. Some agricultural developments are exempt from planning control. However, no new building or structure on a farm is exempt from planning permission unless it has adequate effluent storage facilities. The Planning Authority will require adequate provision for the collection, storage and disposal of effluent produced from agricultural developments. Developers are required to adhere to the Department of Agriculture Guideline entitled 'Guidelines and Recommendations on the Control of Pollution from Farmyard Wastes' and the following Slurry Storage and Slurry disposal/recycling requirements:
- All effluent storage tanks should be constructed to Department of Agriculture and Food specifications.
 - The capacities of all slurry, effluent and soiled water tanks and all other tanks for pollutants shall comply with the current Department of Agriculture Guidelines and any subsequent documents/guidelines.
 - The applicant may be required to demonstrate that sufficient lands of suitable nutrient status are available within a reasonable distance for the disposal/recycling of organic waste from a proposed agricultural development.

5.2. **Natural Heritage Designations**

- 5.2.1. The site is located approximately 1.3km to the east of Killeenagarriiff Stream which forms part of the Lower Shannon SAC (Site Code 002165).
- 5.2.2. River Shannon and River Fergus Estuaries SPA (Site Code 004077) is located circa 9.7km to the west of the appeal site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by Liam & Monique Hassett. The issues raised are as follows;

- It is stated in the appeal that the issues they raised in the objection lodged in respect of the application formed part of the request for further information which the Planning Authority sought.
- The request for further information referred to the layout submitted under a previous application planning reference no. 18/856 and stated that the structures as outlined do not correlate with the layout as submitted in the application. It was stated in the request that one of the buildings labelled 'store' differs from the layout previously submitted in relation to the separation distances. The applicant was requested to address the matter and submit a revised layout indicating the exact use of the existing buildings.
- In response to this the applicant stated that the site layout submitted with the application is taken from the most recent OSI map is correct. It was stated that the site layout plan is different from 18/856 as there are different site boundaries. The applicant submitted a site layout plan outlining the exact use of each building.
- It is stated in the appeal that the store would appear to be different to the one indicated on the planning application 18/856. It is stated that the hard standing

area around the store/shed and new wellness/sauna room is not indicated on the drawings submitted.

- The request for further information issued by the Planning Authority referred to the flood light and stated that the design of the flood light shall be cowled to ensure light does not ever spill to neighbouring properties or beyond site boundaries. The Planning Authority required that revised drawings be submitted with including measure to address the matter and that the light shall be fixed with a cut off lantern. In response to the matter the applicant submitted a drawing indicating a revised flood light with a directional cover to each of the lights. They stated in the response that the light will be fixed with a manual light with an on/off switch.
- In relation to the matter of the flood light the appellants state that the Planning Authority requested a cowl and cut off lantern but no information was sought regarding a detailed lighting design to clearly demonstrate the lux levels generated by the existing flood light. The appellant have expressed concern in respect of the design of the proposed cowl and that there is a lack of information provided to detail how the applicant proposes to eliminate overspill and glare. It is questioned in the appeal how it can be ensured that all operations are carried out in a manner such that light emissions and pollution would not impact upon the residential amenities of their property. They state that the subject floodlight is seriously obtrusive to their home.
- It is noted that the site is located within 1km of Lower River Shannon SAC. The Planning Authority in their assessment of the application determined that an appropriate assessment was not required. The appellants state that they consider that the erection of a flood light within proximity of the SAC warrants an appropriate assessment. They express concern at the potential impact of light from the subject flood light upon the European site.
- The further information requested by the Planning Authority required the submission of a full planning statement and justification for the proposed development specifically details regarding the number of horses with full details of usage.

- In response to the matter the applicant stated that they have 6.5 acres and they keep three horses for their own private use. The store is used for domestic fuel and household storage, three horse stables, indoor dung stead, sports, sports equipment and household cars. The horse walker and tractor shed will be used for a 11m horse walker to exercise and train horses. The remainder of the shed will be used to accommodate a tractor, transport box, hay fodder and other equipment associated with keeping of horses.
- In relation to the proposed horse walker the appellants state that it is difficult to accurately read the dimensions of it and that there is no information regarding the walker. The appellants state that the applicant's landholding would appear to be circa 8.7 acres.
- It is stated in the appeal that limited information has been provided in relation to materials proposed, paving and landscaping proposals, fencing, drainage, lighting and hours of operation.
- The requirement for a shed of the size proposed is questioned and it is considered that it would appear visually prominent in the rural context and that it would be out of character with the surrounding landscape.
- The appellant's have concerns that the proposed shed may be used as an industrial unit.
- In relation to the design of the shed, the appeal references that the Department of Agriculture, food and Marine issued minimum requirements for the construction of horse facilities. It is noted that the Department of Agriculture guidelines are specific in relation to the horse walker and construction of the floor track and walls. It is stated that none of this information is indicated on the application drawings. It is also noted that the guidelines recommend that no roof is constructed over the walker.
- As part of the further information the applicant was required to clarify the condition and capacity of the existing dungstead in relation to solids and liquids. An effluent management plan was required including full details for the collection and storage of soiled water and capacity of tanks if required. In response to the matter the applicant stated that the horse dungstead is 4m x 4m in area within the building on a concrete floor with side walls. The

response from the applicant confirmed that three horses are wintered indoors on deep mulch. The waste mulch is spread on the land in the spring/summertime. The response from the applicant confirmed that no soiled water tank is required.

- The applicant was requested to address condition no. 4 in relation to Reg. Ref. 18/856 regarding the submission of a Closure and Restoration Plan for the Waste Permitted Site reference WFP/L2015/149/R1. In response to the matter the applicant submitted a copy of a message issued by Ms Ursula Ahern of the Environment Section of Limerick City and County Council which stated that the closure and restoration of plan was reviewed with the waste facility permit surrender application. The surrender application was accepted and the waste facility permit surrendered.
- The appeal details the extensive planning history on the site and raises concern that retention permission has been sought and has been previously sought.
- It is requested that permission be refused by the Board.

6.2. Applicant Response

- None received

6.3. Planning Authority Response

- None received

7.0 Assessment

The main issues in this appeal are those raised in the grounds of the appeal and it is considered that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of the proposed development
- Design, visual amenity and residential impact

- Appropriate Assessment

7.1. Principle of the proposed development

- 7.1.1. The proposal which is the subject of the proposed development comprises the construction of a new shed to accommodate a horse walker and tractor storage and the retention of a wellness/sauna room and a flood light and pole. In relation to the subject wellness/sauna room I note this is a single storey building and has a floor area of circa 20sq m. It is situated 3m to the west of the applicant's dwelling. It is confirmed in the details submitted in response to the further information that the wellness/sauna room is required for the personal use of the applicant's family. In relation to the use of this facility I note that the Planning Authority attached a condition which specified that it shall be only used for purposes ancillary to the enjoyment of the dwelling house and not for any commercial purposes. Accordingly, I would consider that the attachment of a similarly worded condition would be appropriate should the Board decide to grant permission.
- 7.1.2. In relation to the proposal to construct a new shed to accommodate a horse walker and tractor storage this is for an agricultural development and is located on an agricultural landholding. The matter of the requirement for the size of shed, the requirement for the overall development and the potential usage of the proposed shed for commercial purposes was raised in the appeal.
- 7.1.3. The appeal also refers to the proposed specific design of the horse walker in relation to standards from the Department of Agriculture, Food and Marine. I would note that this level of detail is not specifically required to make a planning assessment of the proposed development.
- 7.1.4. The Planning Authority in their assessment of the proposal sought further information in respect of the provision of a justification of the proposed development including the number of horses and details of proposed usage. In response to the matter the applicant confirmed that his landholding has an area of 6.5 acres and that three horses are kept on the lands for personal and non-commercial use. In relation to the usage of the existing shed on site the applicant stated that it contains domestic fuel and provides household storage. It also accommodates three horse stables, indoor horse dungstead, sports equipment and cars.

- 7.1.5. The proposed shed is required to accommodate an 11m horse walker which will be used to exercise and train the horses. The other area of the shed will be used for the storage of a tractor, transport box, horse buggy, hay fodder and other equipment associated with the keeping of horses. Accordingly, having regard to the detail provided in respect of the usage of the existing and proposed shed I am satisfied that the use of the proposed shed is solely for the purposes of keeping the horses on the applicant's landholding for personal use and for the storage of a tractor required for usage on the landholding.
- 7.1.6. Accordingly, having regard to the nature of the use and its location on agricultural lands, I am satisfied that the principle of the proposed development at this location is acceptable.

7.2. Design, visual amenity and residential impact

- 7.2.1. The wellness/sauna room which it is proposed to retain is a single storey building with an area of 20sq m. It is situated 3m to the west of the dwelling. Having regard to the siting, design and limited scale of the structure I am satisfied that it would not unduly impact upon the visual amenity of the area.
- 7.2.2. The proposal provides for the construction of the new shed located to the western side of the site circa 35m back from the roadside boundary to the south. The shed has a proposed ridge height of 5.9m. The external finish comprises mass concrete walls to the base with corrugated iron wall and roof cladding. The proposed shed design is relatively typical of agricultural buildings of this nature. I consider that it would be appropriate that the external finishes of the shed be either black, dark grey, dark green or dark brown. Accordingly, I would recommend the attachment of a condition requiring that details of the external finish be submitted to the planning authority for their written agreement.
- 7.2.3. The site and surroundings are relatively flat in nature and the shed is located a significant distance from the appellant's dwelling there is a separation distance of circa 130m and the existing buildings on site lie between the subject shed and the appellant's dwelling. The closest neighbouring dwelling to the south is situated circa 129m from the proposed shed. The site boundaries are formed by mature

hedgerows which provide screening between the proposed development and neighbouring properties.

- 7.2.4. Accordingly, in relation to the matter of visual amenity I am satisfied that the proposal is located on a site that is not particularly prominent or sensitive regarding landscape character. Furthermore, the scale of the structures proposed are relatively modest and are a type of structure that would not out of keeping in an agricultural area such as this. In this regard the proposed development would be satisfactory in the context of visual amenity.
- 7.2.5. The appellants raised concern regarding the flood light which it is proposed to retain. The subject flood light is located to the south-western corner of the enclosed area on site which is used as a horse riding arena. As indicated on the submitted plans the pole on which the flood lights are affixed has a height of 6.6m. The floodlight is located circa 23m from the eastern boundary with the appellant's property. As detailed on the elevation of the floodlight it contains 2 no. spotlights with 150W filaments. As part of the further information the planning authority requested that the applicant submit revised drawings indicating that the design of the floodlight be cowled to ensure light does not overspill to neighbouring properties and that the light be fixed with a cut off lantern. In response to the matter a revised drawing was submitted indicating a directional cover to the flood light. The response from the applicant also stated that the light will be fitted with a manual light on/off switch.
- 7.2.6. I consider that should the Board decide to grant permission that it would be appropriate to attach a number of conditions in respect of the subject floodlight. Firstly, I would recommend that a condition be attached requiring that the floodlight be directed onto the horse riding arena and away from adjacent housing and their associated lands and that the floodlight shall be directed and cowled such as to reduce, as far as possible, the light scatter outside the horse riding arena and outside the boundaries of the site. In order to ensure that the proposed cowling is satisfactory I consider that details of cowling measures shall be submitted to and agreed in writing with the planning authority. Regarding the operation of the lighting as detail above the applicant proposes to fit the floodlight with a manual light on/off switch. Secondly, in order to protect the residential amenity of the appellant's property I consider that it would also be appropriate to ensure that the usage of the light be limited. Accordingly, should the Board decide to grant permission I would

recommend the attachment of a condition which would specify that the operational hours of the floodlight shall not extend beyond 9.30 pm with automatic cut-off of floodlighting at that time. Subject to the provision of these measure I am satisfied that the residential amenities of the appellant's property will not be unduly impacted by the floodlight.

7.3. **Appropriate Assessment**

Stage 1 Screening

- 7.3.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.
- 7.3.2. There is one site potentially within the zone of influence of the proposed development based on proximity and potential hydrological links. The site is located approximately 1.3km to the east of Killeenagarriff Stream which forms part of the Lower Shannon SAC (site code 002165).
- 7.3.3. The site stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120 km. The site thus encompasses the Shannon, Feale, Mulkear and Fergus estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head. Rivers within the sub-catchment of the Feale include the Galey, Smearlagh, Oolagh, Allaughaun, Owveg, Clydagh, Caher, Breanagh and Glenacarney. Rivers within the sub-catchment of the Mulkear include the Killeenagarriff, Annagh, Newport, the Dead River, the Bilboa, Glashacloonaraveela, Gortnageragh and Cahernahallia.
- 7.3.4. The conservation objective for the SAC is to maintain or restore the favourable conservation status of habitats and species. The qualifying interests are: -
- Sandbanks which are slightly covered by sea water all the time [1110]
 - Estuaries [1130]
 - Mudflats and sandflats not covered by seawater at low tide [1140]
 - Coastal lagoons [1150]

- Large shallow inlets and bays [1160]
- Reefs [1170]
- Perennial vegetation of stony banks [1220]
- Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
- Salicornia and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]
- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Salmo salar* (Salmon) [1106]
- *Tursiops truncatus* (Common Bottlenose Dolphin) [1349]
- *Lutra lutra* (Otter) [1355]

7.3.5. In relation to the Lower River Shannon SAC there will be no habitat loss or fragmentation as a result of the proposed development. Therefore, no direct impact is anticipated. In relation to indirect impacts there is no direct hydrological connection between the appeal site and the Killeenagarriff Stream the Lower River Shannon SAC and the proposed development. The nearest pathway is via a land drain which is located approximately 270 metres to the east of the site which flows into the stream circa 1.7km to the south-east at which point it forms part of the said SAC.

- 7.3.6. The subject development comprises the construction of a new shed to horse walker and tractor storage and the retention of a wellness/sauna room and a flood light and pole.
- 7.3.7. In relation to the matter of potential adverse effects due to the distance between the development and the European Site and the nature of the development, it is not considered that the construction phase of the development would have any direct impacts on the priority habitats of the SAC.
- 7.3.8. In relation to the operational phase of the development, in my view, having regard to the nature of the development, the construction of a new shed to horse walker and tractor storage and the retention of a wellness/sauna room and a flood light and the separation distance between the development site and the European site that any surface water run-off from the development would not be likely to have any significant effect on the Killeenagarriff Stream the Lower River Shannon SAC, or on any downstream habitats or species.
- 7.3.9. Regarding potential in combination impacts having regard to the low potential for any significant impact on the closest European site the cumulative impacts from the development with other existing and proposed projects is not likely to result in any significant effect upon the European site.
- 7.3.10. Accordingly, having regard to the nature of the proposed development and its separation from the SAC, I am satisfied that potential impact on water quality, and subsequent potential significant impacts on the qualifying interests of SAC can be excluded.

AA Screening Conclusion

- 7.3.11. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Lower River Shannon Special Area of Conservation, European Site No. 002165, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

9.0 Reasons and Considerations

- 9.1.1. Having regard to the provisions of the Limerick County Development Plan 2010 to 2016 (As extended), and to the nature, and scale of the development proposed and proposed for retention, it is considered that subject to compliance with the following conditions, the development proposed for retention and completion would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The development proposed and proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the amended plans that were received by the Board on the 14th day of September 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The operational hours of the floodlight shall not extend beyond 2130 hours (9.30 pm) with automatic cut-off of floodlighting at that time.

Reason: In the interest of residential amenity.

3. The floodlight shall be directed onto the horse riding arena and away from adjacent housing and their associated lands. The floodlight shall be directed and cowled such as to reduce, as far as possible, the light scatter outside the horse riding arena and outside the boundaries of the site. Within three months of the grant of this permission details of cowling measures shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of residential amenity and traffic safety.

4. The sheds and wellness/sauna shall be only used for purposes ancillary to the enjoyment of the dwelling house and not for any commercial purposes.

Reason: In the interest of residential amenity.

5. The external finishes of the proposed shed shall be either black, dark grey, dark green or dark brown. Within three months of the grant of this permission details of the proposed external finishes shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of the visual amenities of the area.

6. Animal waste generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2018.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

7. All surface water shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of clarity, orderly development and the amenities of the area.

Siobhan Carroll
Planning Inspector

15th February 2022